

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.



BY: Pamela Wright

DATE: April 10, 2003

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application of  
Pelletier, et al.

Appln. No.: 09/955,909

Filed: September 18, 2001

For: METHODS FOR PRODUCING  
SIALYLOLIGOSACCHARIDES IN A  
DAIRY SOURCE

: Group Art Unit: 1651

: Examiner: F.C. Prats

: Attorney Docket

: 040853-01-5028

**RECEIVED**

APR 21 2003

TECH CENTER 1600/2900

**TERMINAL DISCLAIMER TRANSMITTAL LETTER**

Submitted herewith is a Terminal Disclaimer and Statement of Common Ownership with respect to the above-identified patent application.

- [X] The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 (Billing No. 040853-01-5028-01) as noted below. A duplicate copy is enclosed.
- [X] Statutory disclaimer fee in the amount of \$ 55.00.
- [X] Any deficiencies or overpayments in the above-calculated fee.

Respectfully submitted,  
**MARC PELLETIER, ET AL.**

April 10, 2003  
(Date)

By:

Kathryn Doyle  
KATHRYN DOYLE, Ph.D., J.D.  
Registration No. 36,317  
MORGAN, LEWIS & BOCKIUS, LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
Telephone: (215) 963-5000  
Direct Dial: (215) 963-4723  
Facsimile: (215) 963-5299  
E-Mail: kdoyle@morganlewis.com  
Attorney for Applicants

04/16/2003 MNEKONEN 00000046 500310 09955909  
02 FC:1814 110.00 CH

KD/TMS *del*  
Enclosures

**BEST AVAILABLE COPY**



JK  
05/01/03

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

BY: Patricia Wright

DATE: April 10, 2003  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent Application of Pelletier, et al.	:	Group Art Unit: 1651
Appln. No.:	09/955,909	:	Examiner: F.C. Prats
Filed:	September 18, 2001	:	Attorney Docket
For:	METHODS FOR PRODUCING SIALYLOLIGOSACCHARIDES IN A DAIRY SOURCE	:	040853-01-5028-01

RECEIVED  
APR 21 2003  
TECH CENTER 1600/2900

**TERMINAL DISCLAIMER AND STATEMENT OF COMMON OWNERSHIP**

In accordance with 37 C.F.R. § 1.321(b), Petitioner, Neose Technologies, Inc., residing at Horsham, Pennsylvania, represents that it is assignee of the whole and entire right, title and interest in and to the above-identified application, which is a continuation of U.S. Patent Application No. 08/911,393, filed August 14, 1997, now U.S. Patent No. 6,323,008 ("the prior patent"). The prior patent was assigned to Petitioner by an Assignment recorded on October 1, 1997, at Reel 8721, Frame 0070. Based on a review of evidentiary documents relating to the chain of title from the original owner to Petitioner, the undersigned hereby certifies that to the best of her knowledge and belief, both the present application and the prior patent are commonly owned by Petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 of the prior patent. Petitioner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee, its successors or assigns.

04/16/2003 MMEKONEN 00000046 09955909

02 FC:1814 110.00 CH

- 1 -

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 of the prior patent, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable or is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a re-examination certificate, or is in any manner terminated prior to the expiration of its full statutory term.

The undersigned official of Petitioner is empowered to act on behalf of Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,  
**MARC PELLETIER, ET AL.**

April 10, 2003  
(Date)

By:

Kathryn Doyle  
KATHRYN DOYLE, PH.D., J.D.  
Registration No. 36,317  
MORGAN, LEWIS & BOCKIUS, LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
Telephone: (215) 963-5000  
Direct Dial: (215) 963-4723  
Facsimile: (215) 963-5299  
E-Mail: kdoyle@morganlewis.com  
Attorney for Applicants

KD/TMS *duf*